

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RICARDO DUPLESSIS,**  
**Plaintiff,**

**v.**

**BLANCHE CARNEY, *et al.*,**  
**Defendants.**

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**CIVIL ACTION NO. 21-CV-4377**

**ORDER**

**AND NOW**, this 6<sup>th</sup> day of December 2021, upon consideration of Plaintiff Ricardo Duplessis's Amended Complaint (ECF No. 7), it is **ORDERED** that:

1. The Clerk of Court is **DIRECTED** to amend the docket to list the following Defendants, who are named in the Amended Complaint: (1) the City of Philadelphia; (2) Officer Nunes; (3) C.O. Randall; (4) Sgt. Cherian; (5) Correctional Officer Corley; (6) Correctional Officer Petaccio; (7) Lieutenant Rodriguez; and (8) Commissioner Blanche Carney.

2. The Clerk of Court shall **TERMINATE** O. Ford, C/O Antwi, Capt. Harmer, C/O M. Friend, Sgt. Brown, Oliver\_H, Lt. Reid, Sgt. John Doe, and C/O Felts as Defendants.

3. The Amended Complaint is **DISMISSED IN PART** for failure to state a claim, pursuant to 28 U.S.C. § 1915A(b)(1) as follows:

- a. All claims against the City of Philadelphia are **DISMISSED**;
- b. All claims against the Defendants in their official capacities are **DISMISSED**;
- c. All claims against Defendant Blanche Carney in her individual capacity are **DISMISSED**; and
- d. The claims against Defendants Nunes, Randall, Cherian, Corley, Petaccio, and Rodriguez in their individual capacities are **DISMISSED**, except for the

excessive force claims against these Defendants, which shall proceed at this time.

4. The Clerk of Court shall **TERMINATE** Blanche Carney as a Defendant in this case. However, the City of Philadelphia shall remain as a Defendant in this case at this time for purposes of service only.<sup>1</sup>

5. The Clerk of Court shall issue summonses. Service of the summonses and the Complaint shall be made upon the Defendants, along with a copy of this Order and accompanying Memorandum, by the U.S. Marshals Service. Duplessis will be required to complete USM-285 forms so that the Marshals can serve the Defendants. Failure to complete those forms may result in dismissal of this case.

6. All original pleadings and other papers submitted for consideration to the Court in this case are to be filed with the Clerk of Court. Copies of papers filed in this Court are to be served upon counsel for all other parties (or directly on any party acting *pro se*). Service may be made by mail. Proof that service has been made is provided by a certificate of service. The certificate of service should be filed in the case along with the original papers and should show the day and manner of service. An example of a certificate of service by mail follows:

“I, (name), do hereby certify that a true and correct copy of the foregoing (name of pleading or other paper) has been served upon (name(s) of person(s) served) by placing the same in the U.S. mail, properly addressed, this (day) of (month), (year).

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(Signature)”

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<sup>1</sup> The remaining Defendants, who are identified only by their last names, appear to be employed by the City at the Curran-Fromhold Correctional Facility. The remaining claims against them concern events that took place on February 17, 2021 at that facility, when they are alleged to have used excessive force on Duplessis. Since it is unclear whether the Marshals Service can effect service without these Defendants full names, the City will be retained as a Defendant at this time in the event assistance with service is required.

7. Any request for court action shall be set forth in a motion, properly filed and served. The parties shall file all motions, including proof of service upon opposing parties, with the Clerk of Court. The Federal Rules of Civil Procedure and Local Rules are to be followed. Duplessis is specifically directed to comply with Local Civil Rule 7.1 and serve and file a proper response to all motions within fourteen (14) days. Failure to do so may result in dismissal.

8. Duplessis is specifically directed to comply with Local Rule 26.1(f) which provides that “[n]o motion or other application pursuant to the Federal Rules of Civil Procedure governing discovery or pursuant to this rule shall be made unless it contains a certification of counsel that the parties, after reasonable effort, are unable to resolve the dispute.” Duplessis shall attempt to resolve any discovery disputes by contacting Defendants’ counsel directly by telephone or through correspondence.

9. No direct communication is to take place with the United States District Judge or United States Magistrate Judge with regard to this case. All relevant information and papers are to be directed to the Clerk of Court.

10. In the event a summons is returned unexecuted, it is Duplessis’s responsibility to ask the Clerk of Court to issue an alias summons and to provide the Clerk with the Defendant’s correct address, so service can be made.

11. The parties should notify the Clerk’s Office when there is an address change. Failure to do so could result in court orders or other information not being timely delivered, which could affect the parties’ legal rights.

**BY THE COURT:**

**/s/ Chad F. Kenney**

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**CHAD F. KENNEY, J.**